

REMARKS/ARGUMENTS

I. Concerning the Amendments

Composition claims 19 and 23-25 are cancelled without prejudice to the filing of a continuing application. Claim 30 is amended to replace the value “9” with the value “8.6.” These amendments are presented as a result of the telephonic interview of May 4, 2010.

Withdrawn claims 1-10 and 21-22 are cancelled without prejudice to the filing of a one or more divisional applications.

II. Concerning the Telephonic Interview

The undersigned thanks SPE Smith for the telephonic interview of May 4, 2010. During the interview the Advisory Action was discussed, and the amendments presented herein were proposed based on the premise that these amendments would place the application in condition for allowance. It was agreed that these amendments would place the application in condition for allowance.

III. Concerning the Rejection under 35 USC 112

Claims 19, 23-25 and 30 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. This rejection is rendered moot by the amendments presented herein.

Claims 19, 23-25 and 30 stand rejected under 35 USC 112, second paragraph, as being indefinite. Examiner's position is that the word "about" renders these claims indefinite.

As to indefiniteness, the claims must apprise the skilled artisan of the scope of the claims so he can, with little or no experimentation, determine whether his activity infringes the claim, i.e the question is whether one of ordinary skill in the art, in view of the prior art and the status of the art, would be reasonably apprised of the scope of the invention.

Applicants submit that the term “about” is widely used in chemical patents and is understood by those skilled in the chemical arts. In the present case, the prior art does not come close to the 8.6% water limitation of Claim 30, and the term “about” can be given a reasonably broad interpretation. Breadth, however, is not indefiniteness.

IV. Concerning the Rejection under 35 USC 103(a)

Applicants acknowledge the withdrawal in the Advisory Action of the prior art rejections of process claims 20 and 26-30.

All rejections of the composition claims are rendered moot by the cancellation of such claims herein without prejudice. Accordingly, there are no outstanding rejections based on prior art.

V. Conclusion

For the foregoing reasons, reconsideration of the claims and passing of the application to allowance are solicited.

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